Jan-10-01 3:05PM;

Page 2

I hereby certify that this correspond is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Attorney Docket No.: 19601-000120US

Assistant Commissioner for Patents U. S. Patent and Trademark Office Washington, D.C. 20231

TOWNSEND AND TOWNSEND and CREW ILL

San B. McPeak

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gil M. Vardi et al.

Application No.: 09/600,348

Filed: July 14, 2000

For: EXTENDIBLE STENT

**APPARATUS** 

Examiner: Unassigned

Art Unit:

Unassigned

OATH / DECLARATION OF ROASALINDA RAFAEL IN SUPPORT

OF PETITION UNDER 1.47(a)

Assistant Commissioner for Patents U. S. Patent and Trademark Office Washington, D.C. 20231

I, Ms. Rosalinda Rafael, am an employee of Advanced Stent Technologies, Inc., Assignee of the above-referenced patent application. Both I and Ms. Cathy Liebow, a contractor for Advanced Stent Technologies, Inc., have made diligent efforts to contact Eric Elam, an inventor for the above-referenced case. We were unable to contact him, notwithstanding our efforts.

The last known address of Eric Elam is 1125 Davis Street, No. B-3, Evanston, Illinois 60201. The last known telephone number is (847) 328-6068. Mr. Elam has been successfully reached at this address in the past, such as more than six months ago. However, our attempts

>

PATENT

SEST AVAILANT

Gil M. Vardi et al. Application No.: 09/600,348

Page 2

to contact him more recently, so that he may sign the oath and declaration for the abovereferenced case, were unsuccessful.

On, October 23, 2000, Ms. Liebow sent formal documents to the inventor, Eric Elam, at the above address via Federal Express. Federal Express indicates an N. Bua signed for the package, however, the signed formal documents were not returned to Ms. Liebow by Mr. Elam.

I called the last known telephone number for Mr. Elam on or about the first week of January, 2001. The telephone had been disconnected. On or about January 9, 2001, I spoke to the three other inventors; Dr. Gil Vardi, Dr. Charles Davidson and Mr. Stuart Lin. All three indicated that they had not spoken to Mr. Elam recently and had no contact address or telephone number. On or about the first week of January, 2001, I asked several ex-co-workers of Mr. Elam whether they knew how to contact him. Specifically, I spoke to Yosi Morik, Greg Kapust, Stephen Kat, and Sepehr Fariabi. None of the above individuals had current information for Mr. Elam. Mr. Kapust, believed to be a fellow alumni of Northwestern University (NWU) with Mr. Elam, indicated the alumni list for NWU did not have an updated address for Mr. Elam. Mr. Kapust provided me with an email address for Mr. Elam (celam2000@kellogg.nwu.edu). I sent Mr. Elam an email, but I have received no reply.

I also spoke to Eric Williams to see if he knew how to contact Mr. Elam, but Mr. Williams did not have updated contact information. Mr. Williams suggested I call Grayson Beck, whom apparently Mr. Elam used to keep in contact with. I spoke to Mr. Beck and he had not spoken to Mr. Elam for about a year and had no further contact information for him.

PATENT

Gil M. Vardi et al. Application No.: 09/600,348

Page 3

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the patent application or any patent resulting therefrom, declare that I am authorized to execute this instrument on behalf of applicant; all statements made of my own knowledge are true; and all statements made on information and belief are believed to be true.

Date: 1

Rosalinda Rafael

TOWNSEND and TOWNSEND and CREW LLP Two Embarcadero Center, 8th Floor

San Francisco, California 94111-3834

Tel: 303-571-4000 Fax: 303-571-4321 RTB:sbm 02 7030845 v1 TOO I LOVE SALVE TOOL

NEW Peel and Stick FedEx USA Airbill See back for application instructions.

Соптрепу

Sent By: Advanced Stent Technologies, Inc;925 931 0827;

Questions? Call 1-800-Go-FedEx\* (800-463-3339)

0123135276

60201

Third Party

Recipient

Release Signature

Jan-10-01 10:44AM;

359

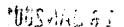
FedEx Use Only

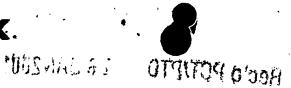
Dry Ica

Credit Cord

Cargo Aircraft Only







Jan-10-01 10:45AM; punt Number: e 8 of 10

Page 3/3 Oct 27, 2000 2090-6644-0

Payment Type Detail (Original)

Picked up: Out 23, 2000		Payor: Shipper	Reference: NO REFERENCE INFORMATION	L'\ E: E:	
<ul> <li>Fuel Surcharge - FedEx must apply a temporary fuel surcharge to reflect current market conditions as they relate to fuel costs.</li> <li>1st attempt Oct 24, 2000 at 09:38 AM.</li> <li>RECIPIENT NOT IN/BUSINESS CLOSED</li> <li>Distance Based Pricing, Region 7</li> </ul>					
Airbili Service Type Package Type Region Pieces	818268733682 FedEx Priority Oxemight FedEx Envelope 7	Sender Cathy Liebow Advanced Stent Technolo 7028 Koll Center PKWy St Pleasanton (28 84588-316	CHESTERFIELD MO 63017 US		
Weight Delivered Servics Area Code Signed By Bundle ID	0 dct 25, 2000 09:45 AA G. VARDI 000	Transportation Charge -Fuel Surcharge -Courier Pickup Charge		31 0.0 16.0	
		Total Transportation Charges	USD	8 19.1	

FedEx Internal Vas: 288082820/0000241/\_/08

Picked up: Oct 23, 2000		Payor: Shipper	Reference: NO REFERENCE INFORMATION	<del></del>	
Fuel Surcharge - FedEx must apply a temporary fuel st     Distance Based Pricing, Region 8     RELEASE SIGNATURE ON FILE  Airbill 818288733693 Send		ery fuel surcharge to reffect current marks  Sender CATHY LIEBOW	n conditions as they relate to fuel costs.    Recipient   ERIC ELAM		
Service Type Package Type	FedEx Priority Overnight FedEx Envelope	ADVANCED STENT TECHNOLOGIES	1125 DAVUS ST B-3		
Region	8	7026 KOLL CENTER PKWY STE 201			
Pieces	1	PLEASANTON CA 94566-3189 US			
Weight	0 Oct 24, 2000 10:03	The state of the second			16.
Oalivered Service	UEL 24, 20100 10.00	Transportation Charge Fuel Surcharge			0.
Area Code	<b>A</b> 1	Courlet Pickup Charge	·		3)
Signed By Bundle ID	AUB N 000	Total Transportation Charges		USD 8	192
6 (P. S	u 2000 <b>2 28 20</b> /8000 25 2/ / <b>9</b> 2	Payment Tyne Datail Subti	141	USD \$	434.7